

Letter to Josie Mooney continued

I believe that if the union allows KALW to be removed from civil service, this will set a bad precedent for the rest of the San Francisco school district. For example, what if Mr. Palacios decided to remove the cafeteria workers from civil service? What if he mandated that any future vacancies in the cafeteria department were to be filled by temporaries? Would the union stand by and let this happen?

My day time phone number is (510) 527-2198. I'd appreciate any help you can offer in this matter.

Yours,

JoAnn Mar  
KALW Union Shop Steward

cc: Leland Yee

SFUSD-000626

*Exhibit P, page 2 of 2*

To: KALW Staff  
From: JoAnn Mar/Union Shop Steward  
Date: July 15, 1996  
Re: Update

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Since KALW management has not held a staff meeting for the past five months nor taken the responsibility to keep staff informed and updated, I feel the need to partially fill that breach through this memo.

I am pleased to announce that KALW management's attempts to suspend myself, Michael Johnson, and Dave Evans have failed utterly. Last month, the district held a suspension hearing in this matter and the hearing examiner recently issued her decision rejecting KALW management's request for suspensions against myself and Michael. In the case of Dave Evans, KALW management has been forced to back down and cease its harassment campaign against him that has been in effect since April. The threatened 30-day suspension against Dave has been put in abeyance indefinitely. I estimate that holding this 2-hour hearing cost KALW and the district over \$400 in staff time.

Several disputes that arose during this past year remain unresolved and to that end, Local 790 has recently filed a grievance on our behalf. Among the issues in dispute are KALW management's failure to have Civil Service give exams and establish hiring lists for KALW job classifications 3532, 3533, 3535, and 7374. Without hiring lists in effect, KALW is

*Exhibit Q, page 1 of 2*

SFUSD-000627

currently unable to fill any vacancies on a permanent basis (i.e. Karolyn's vacated announcer/operator position).

A big question that has many KALW staff worried is when the move to the new studios at Burton Academy will happen. Although KALW management states that "design and construction planning for new studios and offices with the move scheduled for Fall" is to happen, the truth is that no work (planning or otherwise) is currently being done. The large classroom that is to house the new studios remains intact with no construction yet started and the bids for wiring the new studios have not gone out yet.

Many of us would like to know the reason for the delay and what the new time line is for completion (the most recent time line distributed by KALW management is completely out of date and has us moved in by July). If KALW management were to show true leadership, it would make some efforts to get answers to these important questions from the school district.

*Exhibit Q, page 2 of 7*

SFUSD-000628

[illegible]

AFFIDAVIT OF  
~~HEDY JACOBOWITZ~~  
IN SUPPORT OF PETITION OF  
GOLDEN GATE PUBLIC RADIO  
TO DENY LICENSE RENEWAL  
OF RADIO STATION KALW

## DECLARATION OF JASON LOPEZ

I, Jason Lopez, under penalty of perjury do declare as follows:

1. My name is Jason Lopez. My address is 930 Euclid Avenue, Oakland, California, 94610. I make this declaration based upon my own personal knowledge.

2. I am presently a member of the board of directors of Golden Gate Public Radio, a nonprofit public benefit corporation, registered with the State of California as of May 27, 1997. GGPR is registered as a 501(c)(3) nonprofit organization pursuant to the Internal Revenue Code.

3. As a GGPR Board Member, I helped draft GGPR's Petition to Deny in the above matter, which was filed with the Commission on November 3, 1997. On January 28, 1998, I also provided to the Commission and SFUSD a verification stating that the facts contained in GGPR's Petition to Deny were based on my personal knowledge of the matters alleged therein.

4. In addition to being a member of GGPR's Board of Directors, I am also a long-standing member of KALW's listening audience. I live within the primary service area of KALW, and I am concerned about the San Francisco Unified School District's long-standing mismanagement of the station and its paid and volunteer staff, and SFUSD's continuing abuse of EEO and Commission rules. I have worked as an as needed temporary announcer at KALW since 1993.

5. Dave Evans remained an active member of GGPR as of November 3, 1997, the date on which GGPR filed its Petition to Deny in this matter. Dave Evans in fact assisted in the filing of the Petition on the Commission on GGPR's behalf. Because Dave Evans was responsible for photocopying the Petition, he retained possession of GGPR's original copy of the complete petition at the time he was critically injured in an automobile accident on November 4, 1997. Dave Evans remained hospitalized in critical condition from November 4<sup>th</sup> until his death on January 17, 1998. During much of this time, Evans was in a coma and was unable to communicate with visitors.

6. I have read the January 17, 1998 declaration of Jeffrey Ramirez. In my capacity at KALW I worked mostly weekends and rarely interacted with Mr. Ramirez. I only spoke with him on three or four occasions throughout his tenure as Station Manager. I do not believe he has enough personal knowledge of me to assess my character. Mr. Ramirez's account of a program proposal I submitted to him are acutely incorrect. I proposed a program idea to him in October 1996 and merely asked for the return my demo tape in December 1996 -- not May 1997 as Mr. Ramirez asserts--in order to copy it and submit it to a production company.

7. I have read the unsigned declaration of Enrique Palacios attached to SFUSD's Opposition to Petition to Deny. I have never met Enrique Palacios. It is impossible that he could have personal first hand knowledge of me or my character.

8. In his declaration dated January 19, 1998, SFUSD counsel Ernest T. Sanchez states that GGPR attempted to extort SFUSD, by threatening to file its Petition to Deny. I have never threatened SFUSD, nor has any other member of Golden Gate Public Radio, nor its consulting attorney, Jeffrey Berchenko, ever threatened any member of SFUSD or its agents. See accompanying Declaration of Jeffrey Berchenko.

9. Prior to his accident, Dave Evans was in charge of mailing the Petition. The Petition was properly filed with the Commission on November 3, 1997. The remaining members of GGPR did not learn that counsel for SFUSD until it learned of a telephone call from Mr. Sanchez to Jeffrey Berchenko inquiring as to the whereabouts of this Petition. Mr. Berchenko's office contacted me to ask whether Mr. Sanchez had been provided with a copy of the Petition. Upon learning that counsel for SFUSD did not have a complete copy of the Petition, GGPR arranged to send Mr. Sanchez a copy of the Petition immediately by Federal Express. Mr. Sanchez was also apprised of Mr. Evans critical injury and hospitalized status, and we were told by Jeffrey Berchenko that under the circumstances Mr. Sanchez agreed to late service of GGPR's Petition. Because Mr. Evans retained GGPR's only original copy of the Petition at the time of his accident, GGPR was unable to locate the original complete copy of the Petition until on or before December 9, 1997. However, on November 12, 1997, I was able to forward a copy of the Petition without exhibits to counsel for SFUSD. A copy of my cover letter is Attached hereto as Exhibit A. Thus, counsel for SFUSD was in possession of GGPR's Petition at least two months prior to the extended Opposition filing date granted to SFUSD by GGPR.

10. I spoke with counsel for SFUSD, Ernest Sanchez, on December 9, 1997 to inform him that I was sending by Federal Express a copy of GGPR's Petition to him. I also informed him that Dave Evans was critically injured and had been in possession of our original copy of the Petition. Mr. Sanchez said the situation was understandable, expressing sympathy for Mr. Evans, and said he would accept the Petition the next day.

11. At no time in my December 9, 1997 conversation with Mr. Sanchez, did he request, nor did I grant, a ten day extension to reply to GGPR's Petition. At no time before or after that conversation did I speak with Ernest Sanchez, and at no time before or after that conversation did I grant to him or to anyone affiliated with SFUSD a ten day extension to reply to GGPR's Petition. It is my belief that SFUSD's counsel misrepresented these facts to Jeffrey Berchenko in order to obtain a larger extension than GGPR may have otherwise been willing to grant under the circumstances.

12. Furthermore, GGPR filed its Petition to Deny in pro se, and Jeffrey Berchenko does not actively represent GGPR before the Commission in connection with this matter. Nevertheless, GGPR accepted the above gentleman's agreement between Ernest Sanchez and Jeffrey Berchenko, despite the fact that Mr. Sanchez lied to Mr. Berchenko in order to obtain a lengthier extension to file an Opposition than GGPR may

have been willing to grant under the circumstances. Given these facts, the undersigned believes that SFUSD should not be permitted to take advantage of Mr. Sanchez's misrepresentation in order to argue that GGPR did not meet the Commission's exacting procedural criteria, particularly given the tragic circumstances which account for any delay GGPR experienced in serving SFUSD or filing late verifications, and particularly since SFUSD does not allege anywhere in its Opposition or Motion to Strike that it was prejudiced by this in any manner.

13. On Page 5 of SFUSD's Motion to Strike, Mr. Sanchez says that GGPR's verifications filed with the FCC on January 28, 1998 still reference California rather than Federal law. Had Mr. Sanchez actually looked at the verifications, he would see they clearly state: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

14. I have read rule 47 CFR 73.2080. In my employ at KALW, since 1993, neither SFUSD nor KALW management have informed me of their EEO Program as required by the Federal Communications Commission. If KALW or SFUSD had or has such a program, I am completely unaware of it. It has come to my attention that SFUSD contends it has endeavored to meet its responsibility of EEO dissemination for KALW by placing EEO notices at the Human Resources department of SFUSD and at unspecified City and County governmental offices. I have been to the Human Resources department once. That was on an occasion to return my tuberculosis test in 1993 which took all of one minute. I have never been to any San Francisco City or County governmental offices at any time during my employment at KALW.

15. In the first week of December, 1997, I inspected KALW's public file and discovered that a number of income reports and ledgers were in the file named "Donor Lists." Although I have previously reviewed the public file, this was the first time I noticed this document in the public file. In December 1997, I copied the contents of the file. A true and correct copy of the Donor Lists in KALW's public file as of the first week of December, 1997 is attached hereto as EXHIBIT A. On January 28, 1997, I inspected KALW's public file again and discovered the contents of file had been removed.

16. Based on my review of the file, it appears that the donor lists in KALW's public file in December, 1997 do not account for all the individuals and corporations which donated money to support specific programs on KALW. A true and correct excerpt of the station log from December 3, 1996, is attached as EXHIBIT B. The log excerpt contains the names of many donors who were not, and are not listed in Donor Lists in KALW's public file.

17. KALW's programs are often supported by individual donors who call during pledge drives and earmark their contributions for a specific program. Attached as EXHIBIT C hereto are true and correct copies of the pledge forms for one of KALW's more popular music programs, Tangents, which airs on Wednesday and Saturday nights on KALW. The listener comments, which speak for themselves, appear at the bottom of the

page. Neither these forms, nor a list of the names of individuals, are kept in the Donor List file.

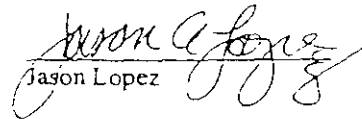
18. I am an announcer at and a listener to KALW. Many of KALW's syndicated programs such as Morning Edition, All Things Considered, Music from the Hearts of Space, This American Life, Counterspin, This Way Out, etc., are supported by donors. I know this because I am on the air at KALW when these programs air, and because I listen to these programs at home. The names of donors for these programs have not been listed, nor are they listed now, in KALW's Donor Lists file.

19. Attached hereto as EXHIBIT D is a copy of EEO guidelines for civil service hires adopted by the SFUSD. This documents constitutes the non-discrimination agreement between the Union and the School District. The undersigned believes these are the rules that SFUSD must follow in connection with hiring.

20. Attached hereto as EXHIBIT E is a copy of the Task Force Report dated March 18, 1996 promulgated by a board of radio professionals and community members appointed by Superintendent Waldemar Rojas of SFUSD. This task force was put together to address the issue of difficulties pertaining to KALW. The Task Force Report concluded that the station required a new governance structure. GGPR, in its proposal to SFUSD, merely attempted to implement the recommendations set forth by SFUSD's Task Force.

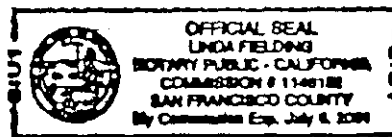
21. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

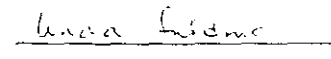
Executed on February 17, 1998

  
Jason Lopez

State of California, County of San Francisco

Subscribed and sworn to me this 17 day of February, 1998.







## DECLARATION OF DEIRDRE KENNEDY

I, Deirdre Kennedy, under penalty of perjury do declare as follows:

1. My name is Deirdre Kennedy. My address is 2206 Greenwich Street, San Francisco, California, 94123. I make this declaration based upon my own personal knowledge.

2. I am a presently a member of the board of directors of Golden Gate Public Radio ("GGPR"), a non-profit public benefit corporation, registered with the State of California as of May 27, 1997. GGPR is registered as a 501(c)(3) non-profit organization pursuant to the Internal Revenue Code.

3. As a GGPR Board Member, I helped draft GGPR's Petition to Deny in the above matter, which was filed with the Commission on November 3, 1997. On January 28, 1998, I also signed and served on the Commission and SFUSD a verification stating that the facts contained in GGPR's Petition to Deny were based on my personal knowledge of the matters alleged therein.

4. GGPR's original Articles of Incorporation state that Jason Lopez, Mel Baker and Dave Evans (now deceased) were original members of GGPR's Board of Directors. A true and correct copy of GGPR's Articles of Incorporation is attached hereto as EXHIBIT A and incorporated herein by this reference.

5. In or about July, 1997, Dave Evans told me that he no longer wished to serve in an official capacity as a member of GGPR's board of directors because he believed this position might conflict with his duties as chief engineer of KALW (FM). I was then asked by all three original Board Members to replace Dave Evans as a member of GGPR's Board of Directors, presumably because I am a concerned member of KALW's listening audience who works in the Bay Area as an independent radio producer and broadcast news journalist. Therefore I became a member of GGPR's board of directors on July 17, 1997. (See GGPR Board Minutes at EXHIBIT B).

6. Since its incorporation as a California non-profit public benefit corporation, GGPR's goals have been to enhance the quality of public radio broadcasting in the Bay Area and beyond. GGPR's Articles of Incorporation, dated May 27, 1997, expressly state that GGPR

"... is not organized for the private gain of any person and is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes. The specific purposes for which this corporation is organized are for the production, promotion, and broadcast of public radio programs." (EXHIBIT A)

In addition, Article Four of GGPR's articles of incorporation also states that GGPR is organized and operated exclusively for educational purposes, within the meaning of Section 501(c)3 of the Internal Revenue Code.

7. Based on GGPR's above status as a non-profit public benefit corporation and my direct knowledge of GGPR's aims in promoting the development and dissemination of quality public radio programming, it is my belief that GGPR constitutes a "party in interest" in the present matter pursuant to the meaning of 47 U.S.C. § 309(d)(1).

8. In addition to being a member of GGPR's Board of Directors, I am also a longstanding member of KALW's listening audience and an award-winning independent public radio producer. I live within the primary service area of KALW, and I am concerned about the San Francisco Unified School District's ("SFUSD") longstanding mismanagement of the station and its paid and volunteer staff, and SFUSD's continuing abuse of EEO and Commission rules.

9. In 1997, I worked approximately forty hours as an "as needed temporary announcer" for KALW. However, I am primarily employed as a television news writer and producer for KTVU, Fox television in Oakland, California. My income is now, and has been for the past ten years, predominantly derived from television news, not radio, as alleged in the inaccurate hearsay statements contained at paragraph 5 of the Declaration of Jeffrey Ramirez, filed in support of SFUSD's Opposition. Besides my television work, I am employed as an independent radio producer, reporter, anchor and director for programs that air on National Public Radio, Pacifica, and Public Radio International, in addition to KQED FM in San Francisco. Although I have allowed KALW to re-broadcast, free of charge, programs and stories that I have produced for other broadcast organizations, I have not had a regularly scheduled shift or anything approaching a "part-time" job at KALW since 1995. Mr. Ramirez's assertion that the undersigned is "attempting to use GGPR as a means of career advancement and protection" is downright silly, and an unfortunate attempt at character assassination. The undersigned believes that SFUSD, Mr. Ramirez and Mr. Palacios engage in irresponsible name calling because they cannot rebut the factual allegations contained in GGPR's Petition to Deny.

10. Dave Evans remained an active member of GGPR as of November 3, 1997, the date on which GGPR filed its Petition to Deny in this matter. Dave Evans in fact assisted in filing the Petition on the Commission on GGPR's behalf. Because Dave Evans was responsible for photocopying the Petition, he retained possession of GGPR's original copy of the complete petition at the time he was critically injured in an automobile accident on November 4, 1997. Dave Evans remained hospitalized in critical condition from November 4<sup>th</sup> until his death on January 17, 1998. During much of this time, Mr. Evans was in a coma and was unable to communicate with visitors. An obituary from the San Francisco Chronicle dated January 24, 1998 concerning the death of Mr. Evans is attached hereto as EXHIBIT C.

11. Prior to his accident, David Evans was in charge of mailing the Petition and the Petition was properly filed with the Commission on November 3, 1997. The remaining members of GGPR did not learn that counsel for SFUSD had not been served with a

courtesy copy of the Petition until it learned of a telephone call from Mr. Sanchez to Jeffrey Berchenko inquiring as to the whereabouts of this Petition. Mr. Berchenko's office contacted Jason Lopez and myself to ask whether Mr. Sanchez had been provided with a copy of the Petition. Upon learning that counsel for SFUSD did not have a complete copy of the Petition, GGPR arranged to send Mr. Sanchez a copy of the Petition immediately by Federal Express.

12. Prior to January 1997, neither I nor any other officer of GGPR spoke with counsel for SFUSD regarding an extension to file the Opposition. I was also contacted by the law office of Jeffrey Berchenko on January 5, 1997 and told that Mr. Berchenko had "granted" Ernest Sanchez an extension based on Mr. Sanchez's representation that Jason Lopez had previously granted SFUSD an extra ten days to file its response to the Petition to Deny. It is my understanding that no such conversation between Mr. Sanchez and any GGPR representative ever took place. It is my belief that SFUSD's counsel misrepresented these facts to Jeffrey Berchenko in order to obtain a larger extension than GGPR may have otherwise been willing to grant under the circumstances.

13. GGPR filed its Petition to Deny in pro se, and the attorney Jeffrey Berchenko does not actively represent GGPR before the Commission in this proceeding. GGPR nevertheless accepted the above "gentleman's agreement" between Ernest Sanchez and Jeffrey Berchenko, despite the fact that Mr. Sanchez appears to have lied in order to obtain a lengthier extension than GGPR may have been willing to grant under the circumstances. Given this fact, the undersigned believes that SFUSD should not be permitted to take advantage of Mr. Sanchez's misrepresentation in order to argue that GGPR did not meet the Commission's exacting procedural criteria, particularly given the tragic circumstances which account for any delay GGPR experienced in serving SFUSD and in filing late verifications. The undersigned also believes that SFUSD's arguments in this regard should be ignored since nowhere does SFUSD allege in its Opposition or subsequent Motion to Strike that it was prejudiced in any manner.

14. Attached hereto as EXHIBIT D is a true and correct copy of an article published in the San Francisco Examiner dated February 3, 1998 concerning GGPR's pending Petition to Deny. This article quotes Jeffrey Ramirez, KALW's *former* general manager, as saying that he "resigned because a hoped-for reorganization of the station's management structure has not materialized." The undersigned believes this statement constitutes an admission against interest, and directly contradicts the assertions in Mr. Ramirez's declaration that 1) GGPR filed its Petition for personal gain and "in retaliation" against SFUSD; 2) that any alleged "hostile atmosphere" at KALW is somehow the result of GGPR's efforts, and 3) that members of GGPR are nothing more than "disgruntled employees" attempting to advance their careers. See Ramirez Decl., par. 4-5.

15. Attached hereto as EXHIBIT E is a true and correct copy of an article published in the San Francisco Bay Guardian dated February 11, 1998 entitled "Educational Programming? Activists charge district with nepotism, lying." In this article, former station manager Jeff Ramirez is quoted as having submitted his resignation in October 1997. In addition, Mr. Ramirez is saying he left "because the district had scrapped plans to create a board of directors to oversee the station's day to day activities."

It is also the undersigned's belief that these statements constitute an admission against interest, and support GGPR's contention that the systemic problems at KALW relate to the licensee's inability to properly manage the station or otherwise comply with Commission regulations.

16. Attached hereto as EXHIBIT F is a true and correct copy of a column published in the San Francisco Chronicle dated February 5, 1998 entitled "KALW Takes a Pounding." This column states that a "former KALW topsider" is quoted as saying that the "problem with KALW(91.7 FM), is civil service rules." It goes on to say: "The hiring system is insane. You get people literally unable to read English." The undersigned believes this statement speaks for itself in regards to the unnamed KALW executive's attitude toward KALW staff, and his attitude towards the Civil Service codes under which KALW employees are supposed to be hired. This "ex-exec" is also quoted as saying that "a plan a few years back to take the station private tanked when Service Employees International Union Local 790 put the squeeze on wannabe supervisors on the school board." Although the former executive is not named in the article. I believe it is clear from these paraphrased statements and quotations that 1) there has been a long-standing effort among managers at KALW to privatize the station, and 2) that former managers were (and still are) contemptuous of EEO hiring rules. The undersigned also believes that this former executive's libelous statements regarding the professional qualifications of GGPR members were intentionally made to discredit GGPR and avoid serious public inquiry into allegations of misconduct raised in the Petition.

17. In SFUSD's Opposition at page 24, footnote 9, Mr. Ernest Sanchez argues that the affidavit of Hedy Jacobowitz regarding an internal SFUSD investigation of former station manager Jerry Jacob is immaterial. I would like to shine further light on this situation for the Commission. In or about approximately April 1995, I received a phone call from an SFUSD attorney named Mark Barmore. Mr. Barmore told me he was investigating allegations of sexual harassment made by KALW receptionist Judy Miu against Jerry Jacobs. Mr. Barmore asked if I was aware of, or had witnessed, any allegedly harassing statements or actions that Mr. Jacobs might have made in the presence of Judy Miu. I told Mr. Barmore that I had not personally witnessed any such incidents between Mr. Jacobs and Ms. Miu, but I attested to the fact that Mr. Jacobs had in my presence made unwelcome sexually explicit remarks. It is my understanding that Ms. Miu eventually settled the matter for an unspecified monetary sum, and that Mr. Jacobs' contract with KALW was not renewed.

18. The undersigned believes the above incidents are relevant to GGPR's Petition because they reflect the licensee's pattern of permitting illegal and/or unethical behavior among top management at KALW, and thus are relevant in any determination concerning the licensee's character.

19. The undersigned also believes that SFUSD has shown a consistent lack of concern for the safety and security of its employees. In or about December 1996, SFUSD moved KALW's facilities to the station's current location at Philip and Sala Burton High School in South San Francisco. At that time, several members of the staff, including myself voiced our concerns about safety issues. The station is presently located in a

remote location, in a high crime neighborhood, and the offices are not visible from the street. Approximately one or two months after the move, on or about February 20, 1997, KALW management held a "security meeting" at KALW's facilities to discuss the security situation at the station. At that meeting, the school district's representative, McQuoid myself and other staff that if we were concerned about our safety after hours we could call for an escort to walk us to our cars in the unlit parking lot. He also told us that "each time the staff calls district security to come to the site, it costs the school district \$80-90.00." SFUSD's discontinued this escort service in July 1997, despite that fact that SFUSD was aware that crime had risen in the area of KALW's facilities, and that no additional security measures were in place. See EXHIBIT G, memo from former Manager Jeffrey Ramirez dated July 31, 1997.

20. It is my understanding that KALW and SFUSD have also ignored State health and safety codes. In 1997, SFUSD was cited for violating more than a dozen CAL-OSHA regulations. (See EXHIBIT H, OSHA Notifications of Penalties). Only after CAL-OSHA cited the station did management take any action whatsoever to cure these hazards. I have visited KALW's offices on many occasions since KALW moved its premises to Sala Burton High School and I can attest that to this date SFUSD has not installed proper fire or smoke detector in any of KALW's offices or studios. I believe SFUSD's neglect of basic safety for KALW employees also reflects their pattern of ignorance and neglect in the day-to-day operation of KALW.

21. In page 1 of SFUSD's Motion to Strike, Ernest T. Sanchez says that he received two copies of the verification of Deirdre Kennedy, and no copy of Jason Lopez's Verification. This was a clerical oversight, which I rectified as soon as GGPR received the Motion to Strike. See EXHIBIT I, attached hereto. Had Mr. Sanchez informed GGPR's members of this oversight, we would gladly have sent him a correct copy of the Lopez Declaration.

22. On page 5 of SFUSD's Motion to Strike, Mr. Sanchez says that GGPR's verifications filed with the FCC on January 28, 1998 "still reference California rather than Federal law." Had Mr. Sanchez actually looked at the verifications, he would see that they clearly state: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct." (emphasis added).

23. Attached hereto as Exhibit J is a letter from Ernest Sanchez to the Commission dated January 26, 1998, enclosing original copies of verifications required to have been attached to the Opposition filed on January 20, 1998. In this letter, Mr. Sanchez also enclosed a signed copy of the Declaration of Enrique Palaicios to replace the unsigned copy previously filed.

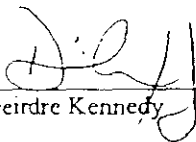
24. Because the Petition to Deny was filed by GGPR, a California non-profit public interest corporation, it was my understanding when I signed the December 10, 1997 Certificate of Service that it was GGPR that was in fact "a party to the within-entitled action." As a result, I believed at the time that I was entitled to sign this Certificate of Service since the Petition was not filed by me individually. If I signed this Certificate of

Service incorrectly, it is because that I am not a lawyer and any error in my understanding of the law was purely unintentional.

25. In page 6 of SFUSD's Motion to Strike, Mr. Sanchez claims that Jason Lopez and I displayed a "lack of candor" and "exhibited a cavalier indifference to the procedural requirements for petitions to deny." With due respect to the Commission, I would like to state that SFUSD is aware that GGPR is filing in pro se and as such, should be aware that it does not have the benefit of legal secretaries, clerks, and legal associates to make sure that every item in its pleadings meets the exacting procedural rules of the Commission. GGPR is a non-profit public benefit corporation, and its members are concerned individuals residing within the primary listening area of KALW. As such, GGPR is entitled to file its Petition before the Commission. I also understand that there are procedural rules that must be adhered to, and GGPR has made every attempt to comply with those rules. As one of the two signatories to GGPR's petition, I can attest that GGPR has made a sincere attempt to rectify any procedural deficiencies when discovered, and that it has done so promptly. Evidently none of these procedural oversights have prejudiced SFUSD in any way, as their counsel has had ample time to respond to GGPR's filing, and has done so on repeated occasions. Based on the facts herein, it is my belief that SFUSD is trying to deflect attention away from the substantive allegations contained within GGPR's Petition to Deny, by taking up the Commission's time with procedural details.

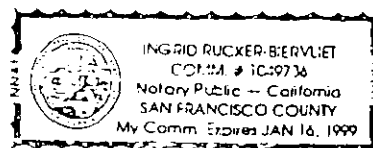
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

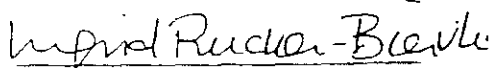
Executed on February 17, 1998.

  
Deirdre Kennedy

State of California, County of San Francisco

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 1998.



  
Ingrid Rucker-Bierliet

# DECLARATION OF JOANN MAR

I, JoAnn Mar, under penalty of perjury, declare as follows:

1. My name is JoAnn Mar. My address is 1200 Virginia Street, Berkeley, CA 94702. I make this Declaration based upon my own personal knowledge.
2. I am employed by KALW and work there full-time. I have worked at KALW since April 1986.
3. Since 1991 I have never been to the Human Resources Department of the San Francisco Unified School District. Since 1991 I have never been to 44 Gough Street nor the Human Resources department of the City and County of San Francisco.
4. I have never been informed of, nor am I aware of, an EEO policy or program at KALW as outlined in 47 CFR 73.2080.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

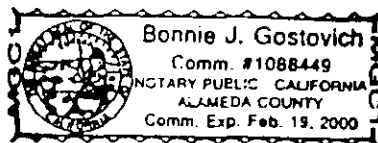
Executed on February 17, 1998.

JoAnn Mar  
JoAnn Mar

State of California, County of San Francisco

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 1998.

Bonnie J. Gostovich  
(signature of notary)



SFUSD-000640

DECLARATION OF MEL BAKER

I, Mel Baker, under penalty of perjury, declare as follows:

1. My name is Mel Baker. My address is 250 Dorland Avenue No. 3, San Francisco, CA 94114. I make this Declaration based upon my own personal knowledge.

2. I am employed by KALW and work there as a part-time "as needed announcer". I began working at KALW in 1995.

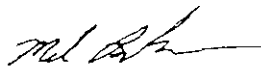
3. I have never been to the Human Resources Department of the San Francisco Unified School District. I have never been to 44 Gough Street nor the Human Resources Department of the City and County of San Francisco.

4. I have never been informed of, nor am I aware of, an EEO policy or program at KALW as outlined in 47 CFR 73.2080.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed on February 17, 1998.

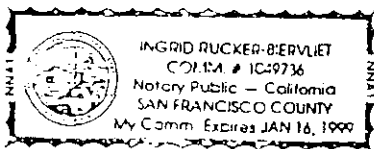
Mel Baker



State of California, County of San Francisco

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 1998.

Ingrid Rucker-Berthel  
(signature of notary)



SFUSD-000641



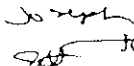
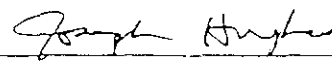
DECLARATION OF JOSEPH HUGHES

I, Joseph Hughes, under penalty of perjury, declare as follows:

1. My name is Joseph Hughes. My address is 4149 26th Street, San Francisco, CA 94131. I make this Declaration based upon my own personal knowledge.
2. I am employed by KALW and work there approximately 20 hours per week. I began working at KALW on a regular basis in 1993.
3. Since 1993 I have been to the Human Resources Department of the San Francisco Unified School District only two or three times. Since 1993 I have never been to 44 Gough Street nor the Human Resources department of the City and County of San Francisco.
4. I have never been informed of, nor am I aware of, an EEO policy or program at KALW as outlined in 47 CFR 73.2080.


I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

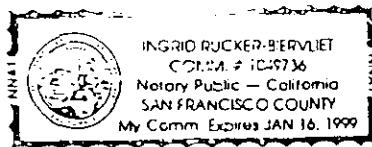
Executed on February 17, 1998

 Joe Hughes 

State of California, County of San Francisco

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 1998.

  
(signature of notary)



SFUSD-000642

DECLARATION OF HEDY JACOBOWITZ

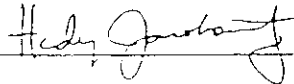
I, Hedy Jacobowitz, under penalty of perjury, declare as follows:

1. My name is Hedy Jacobowitz. My address is 245 2nd Avenue, No. 1, San Francisco, CA 94118. I make this Declaration based upon my own personal knowledge.
2. I am employed by KALW and work there as a part-time "as needed announcer". I began working at KALW in 1993.
3. Since 1993 I have been to the Human Resources Department of the San Francisco Unified School District only two or three times. I have never been to 44 Gough Street nor the Human Resources Department of the City and County of San Francisco.
4. I have never been informed of, nor am I aware of, an EEO policy or program at KALW as outlined in 47 CFR 73.2080.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

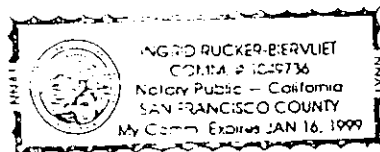
Executed on February 17, 1998.

Hedy Jacobowitz



State of California, County of San Francisco

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 1998.



Ingrid Rucker-Bierliet  
(signature of notary)

SFUSD-000643

# DECLARATION OF KEVIN VANCE

I, Kevin Vance, under penalty of perjury, declare as follows:

1. My name is Kevin Vance. My address is 2848 Russell Street, Berkeley, CA 94705. I make this Declaration based upon my own personal knowledge.
2. I am employed by KALW and work there as a part-time "as needed announcer". I have worked at KALW since 1991.
3. In 1991 I visited the Human Resources Department of the San Francisco Unified School District to fill out some paperwork. I do not recall seeing any EEO notices. Since that time I have never been to the Human Resources Department of the San Francisco Unified School District. I have never been to 44 Gough Street nor the Human Resources department of the City and County of San Francisco, nor have I ever been instructed to go there.
4. I have never been informed of, nor am I aware of, an EEO policy or program at KALW as outlined in 47 CFR 73.2080.

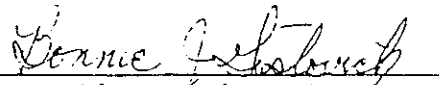
I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

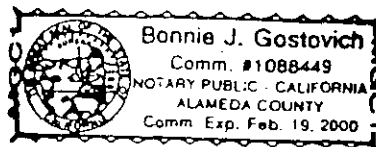
Executed on February 17, 1998.

  
Kevin Vance

State of California, County of San Francisco

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 1998.

  
(signature of notary)



SFUSD-000644

## DECLARATION OF JASON LOPEZ

I, Jason Lopez, under penalty of perjury do declare as follows:

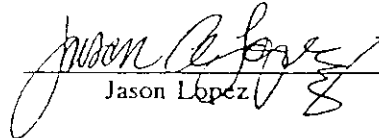
1. My name is Jason Lopez. My address is 930 Euclid Avenue, Oakland, California, 94610. I make this declaration based upon my own personal knowledge.

2. On March 10, 1998 I learned that I would no longer be scheduled to work my regular Sunday morning shift at KALW on the first, third, and if necessary, fifth Sundays of the month. I learned that Michael Johnson's hours were being drastically reduced and that he would be working the Sunday early morning shift from now on. I called Bill Helgeson to find out how this decision had been reached. He told me that when the numbers were "added up" Michael Johnson's salary couldn't be justified. He told me that *Open Air* was too expensive to produce. I asked Mr. Helgeson how *Open Air* compared to the costs for other KALW programs. He told me that other programs had not been analyzed and that the figures would have to be tracked down to just do the analysis, and that he was too busy to do that immediately.

3. I have worked as an "as needed temporary announcer" at KALW since 1993, and I have served excellently in that capacity. Since March 4, 1998 I have been passed over for fill-in shifts at KALW that have been offered to persons in my classification who have been hired in the past three months. Based on how frequently I was called to fill-in before this time, I believe SFUSD is retaliating against me for bringing to light problems with SFUSD's operation of KALW.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 17, 1998.

  
Jason Lopez

SFUSD-000645

Exhibit I page 1 of 1

Exhibit B. n 24 of 25

## DECLARATION OF MEL BAKER

I, Mel Baker, under penalty of perjury, declare as follows:

1. My name is Mel Baker. My address is 250 Dorland Avenue No. 3, San Francisco, CA 94114. I make this Declaration based upon my own personal knowledge.
2. I am employed by KALW and work there as a part-time "as needed announcer" in addition I have done work for the San Francisco Unified School District as the technical producer for the bi-weekly feature series "Making the Grade." I began working at KALW in 1995.
3. On Sunday February 22, 1998 I was contacted by Sandina Robbins the producer/reporter of SFUSD's *Making the Grade* program. She told me I had been removed as producer of the program. When I asked why she said "Well, you did file a lawsuit against the district." referring to Golden Gate Public Radio's petition to deny against SFUSD, which I supported.
4. On February 24, 1998, I was removed by interim General Manager William Helgeson, from the position of host of KALW's broadcast of SFUSD school board meetings, a job I have carried out for over a year.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed on March 17, 1998

Mel Baker

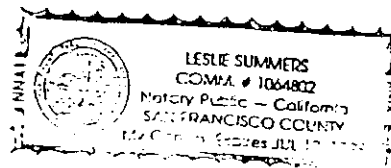
State of California, County of San Francisco

Subscribed and sworn to before me this 17th day of March, 1998

ALL-PURPOSE ACKNOWLEDGEMENT  
STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
ON 3-17-98 BEFORE ME  
PERSONALLY APPEARED Mel Baker  
PERSONALLY KNOWN TO ME OR  
PROVE TO ME ON THE BASIS OF SATISFACTORY EVIDENCE  
TO BE THE PERSON WHOSE NAME IS  
SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED  
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN  
PERSON/IN THEIR AUTHORIZED CAPACITY/AS; AND THAT  
BY HIS/HER/THEIR SIGNATURE ON THE INSTRUMENT  
THE PERSON/PERSONS, OR THE ENTITY UPON BEHALF OF WHICH  
THE PERSON/PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

Leslie Summers  
(signature of notary)



SFUSD-000646

FILED A 1064802 JUL 10 1999

April 15, 1998

Jason Lopez  
Golden Gate Public Radio  
250 Dorland, No. 3  
San Francisco, CA 94114

Ms. Magalie Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

RE: Application of License Renewal of KALW-FM, San Francisco, CA  
File No. BRED-970801YA; EEO File No. 1800C2-RB

Dear Ms. Salas:

Golden Gate Public Radio (GGPR) has filed a Petition to Deny the above referenced license renewal application. It has recently come to the attention of GGPR that the San Francisco Unified School District (SFUSD) removed Enrique Palacios as supervisor to the KALW General Manager (see Opposition to Petition to Deny, Palacios decl., par. 2). The announcement of his removal was made April 9, 1998 at a KALW staff meeting. Mr. Palacios is no longer associated with KALW.

Mr. Palacios previously verified SFUSD's Opposition to GGPR's Petition to Deny and SFUSD's response to the EEO Branch's letter of inquiry. He also provided declarations supporting SFUSD's Opposition and its recent Motion to Dismiss said Petition.

Given the prior resignation of former General Manager Jeffrey Ramirez submitted in October 1997, it appears that both individuals who verified SFUSD's Opposition are no longer associated with KALW. In short, almost all verifications and declarations submitted by the license renewal applicant have been made by individuals no longer associated with KALW. Mr. Ramirez is no longer affiliated with the licensee.

GGPR accordingly asks the Commission to take these facts into consideration when evaluating the credibility of those assertions set forth in SFUSD's Opposition, SFUSD's response to the EEO Branch, and SFUSD's subsequent Motion to Dismiss.

Replacing Mr. Palacios is Ruben Bohuchot, an SFUSD contractor, who announced that he will be taking over the duties of Mr. Palacios, along with some key day-to-day responsibilities of KALW's General Manager position, which remains vacant. GGPR is thus concerned that yet another hire has been made by the licensee without reference to appropriate EEO requirements.

Sincerely,



Jason Lopez  
Golden Gate Public Radio

cc: Ernest Sanchez, SFUSD Counsel  
Y. Paulette Laden, Chief, EEO Branch

SFUSD-000647

# ATTACHMENT

## I

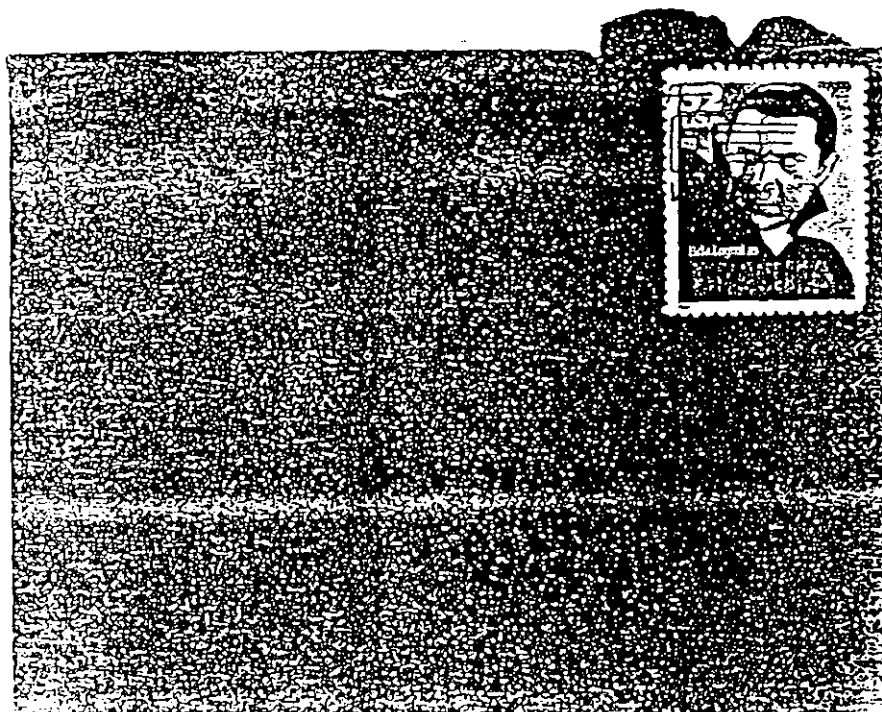
SFUSD-000648

JEFFREY--

WE CAN HURT YOU IN MANY WAYS.....  
THINK ABOUT IT.

SFUSD-000649





SFUSD-000650